

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**                     )  
                    **Plaintiff,**                                     )  
                    **v.**   )  
   )  
**HERSHEY COMPANY,**                                     )  
                    **Garnishee,**                                     )  
   )  
**JAMES ARTHUR MAROTTI,**                             )  
                    **Defendant.**                                     )

Civil Docket No.: 22-2869-SHL  
(Reference Case No.: 2:15CR20075)

**APPLICATION FOR WRIT OF GARNISHMENT**

The United States of America makes application in accordance with 28 U.S.C. §3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the Judgment entered on September 2, 1997, in Case No. 2:15CR20075 against the defendant, James Arthur Martotti, whose socialsecurity number is \*\*\*-\*\*-5289 and last known address is 10003 Holly Grove Road, Cordova, TN 38018.

In this action, the United States was awarded a judgment with restitution against defendant, James Arthur Marotti, in the amount of \$12,235.00, plus costs and interest, if any. There is a balance due of \$26,785.20.

Demand for payment of the above-stated debt was made upon the debtor not less than thirty (30) days from the date of this application, but defendant has failed to satisfy this debt.

The Garnishee is believed to owe or will owe money to the judgment debtor, or is in possession of property of the debtor, in which the debtor has a substantial non-exempt interest.

The name and address of the Garnishee or his authorized agent is:

Hershey Company  
Attn: Payroll  
975 Kansas Street  
Memphis, TN 38106

DATED: December 27, 2022

Respectfully submitted,

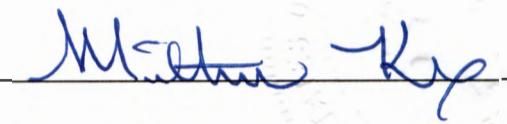
KEVIN G. RITZ  
UNITED STATES ATTORNEY  
WESTERN DISTRICT OF TENNESSEE

By: s/Stuart J. Canale  
Stuart J. Canale (BPR#TN  
012590) Assistant United States  
Attorney 167 N. Main Street,  
8th Floor Memphis, TN 38103  
901-544-4231 office  
901-544-4230 fax

APPLICATION GRANTED:

THOMAS GOULD  
UNITED STATES DISTRICT CLERK

DATED: 12/27/2022

  
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**HERSHEY COMPANY**

**Garnishee,**

**JAMES ARTHUR MAROTTI,**

**Defendant.**

Civil Docket No.: 22-2869-SHL  
(Reference Case No.: 2:15CR20075)

**WRIT OF GARNISHMENT**

TO: Hershey Company  
Attn: Payroll  
975 Kansas Street  
Memphis, TN 38106

A Judgment has been entered against the above-named defendant in the amount of \$12,235.00, plus costs and interest, if any. The balance due on the Judgment as of December 27, 2022, is \$26,785.20.

You are required to begin withholding in accordance with this garnishment from the date you were served with these papers.

You are required by law to answer in writing, under oath, within ten (10) days, whether you have in your custody, control, or possession, any property owned by the debtor, including non-exempt, disposable earnings. Please state whether you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly, or monthly.

You must file the original written Answer to this Writ within ten (10) days of your receipt of this Writ with the U.S. District Clerk at: Clerk, U.S. District Court, Western District of

Tennessee, 167 N. Main Street, Room 242, Memphis, TN 38103. Additionally, you are required by law to serve a copy of your Answer upon the debtor at: 10003 Holly Grove Road, Cordova TN 38018, and upon the U.S. Attorney's Office, Financial Litigation Unit, 167 N. Main Street, Suite 800, Memphis, TN 38103.

Under the law, there is property which is exempt from this Writ of Garnishment. Property which is exempt, and which is not subject to this Order is listed on the attached Exemption list.


Pursuant to Title 15 U.S.C. §1674, a Garnishee is prohibited from discharging a defendant from employment by reason of the fact that his earnings have been subject to garnishment.

If you fail to answer this Writ or to withhold property in accordance with this Writ, the United States of America may petition the Court for an Order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this Writ.

Dated: 12/27/2022

**THOMAS GOULD, CLERK**  
UNITED STATES DISTRICT COURT

By:

  
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**                     )  
                    **Plaintiff,**                                     )  
                    **v.**   )  
   )  
**HERSHEY COMPANY,**                                     )  
                    **Garnishee,**                                     )  
   )  
**JAMES ARTHUR MAROTTI,**                     )  
                    **Defendant.**                                     )

**Civil Docket No.:** 22-2869-SHL  
**(Reference Case No.: 2:15CR20075)**

**CLERK'S NOTICE OF GARNISHMENT**

You are hereby notified that a garnishment is being taken by the United States of America which has a judgment in Case No. 2:15CR20075 in the U.S. District Court for the Western District of Tennessee in the sum of \$12,235.00, plus interest, if any, and costs. A balance of \$26,785.20 through December 27, 2022, remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached is a summary of the major exemptions which apply under federal law.

You have a right to ask the Court to apply any exemption to which you feel you are entitled or if you question this garnishment.

You have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the court within twenty (20) days after receipt of the notice. Your request must be in writing. If you wish, you may use this notice to request the hearing by checking the space below. You must either mail it or deliver it in person to the Clerk of the U.S.

District Court at U.S. Courthouse, 167 N. Main Street, Room 242, Memphis, TN 38103. You must also send a copy of your request to the U. S. Attorney, Financial Litigation Unit at 167 N. Main Street, Suite 800, Memphis, TN 38103 notifying the Government that you want a hearing.

The hearing will take place within five (5) days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think the Government is not entitled to the funds garnished or why you think you do not owe the money to the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding be transferred by the court to the Federal Judicial District in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at U.S. Courthouse, 167 N. Main Street, Room 242, Memphis, TN 38103. You must also send a copy of your request to the Government at the U.S. Attorney's Office, Financial Litigation Unit, 167 N. Main Street, Suite 800, Memphis, TN 38103.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice but can refer you to other sources of information.

**THOMAS GOULD**  
Clerk, U.S. District Court

12/27/2022  
Date

By:

  
Deputy Clerk

\_\_\_\_\_ I request a hearing within five (5) days (Exemption checked below)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant/Debtor



**CLAIM FOR EXEMPTION FORM**  
**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and schoolbooks. --Such items of wearing apparel and such schoolbooks as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects. --So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$10,909.00 in value.
- ☐ 3. Books and tools of a trade, business, or profession. --So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$5,050 in value.
- ☐ 4. Unemployment benefits. --Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail. --Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments. --Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired, or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation. --Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

- \_\_\_\_\_ 8. Judgments for support of minor children. --If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- \_\_\_\_\_ 9. Certain service-connected disability payments. -- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- \_\_\_\_\_ 10. Assistance under Job Training Partnership Act.  
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C.1501 et seq.) from funds appropriated pursuant to such Act.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

\_\_\_\_\_ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(\_\_\_\_\_) or telephonically at (\_\_\_\_\_)   
 Address Phone No.

\_\_\_\_\_  
Debtor's printed or typed name

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date



**DECLARATION FOR CLAIM OF EXEMPTION**

The statements made in this claim of exemptions, including statements of fair market value of the property designated, are made, and declared to be true, under penalty of perjury. I hereby request a court hearing to decide the validity of the defendant's claims. Notice of the hearing should be given to the defendant by mail addressed to:

Address:

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or telephonically at:

---

(Telephone number)

---

Defendant's printed or typed name

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Signature of defendant

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Date

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**                     )  
                    **Plaintiff,**                                     )  
                    **v.**   )  
   )  
**HERSHEY COMPANY,**                                     )  
                    **Garnishee,**                                     )  
   )  
**JAMES ARTHUR MAROTTI,**                             )  
                    **Defendant.**                                     )

**Civil Docket No.:** 22-2869-SHL  
**(Reference Case No.: 2:15CR20075)**

**INSTRUCTIONS TO THE GARNISHEE**

Attached is a Writ of Garnishment requesting that you determine whether you have in your possession, custody, or control any of the property or funds of the debtor listed therein, or any other property of the debtor. Title 28, U.S.C. Section 3205(c)(2)(E) requires that **you file a written Answer within (ten) 10 days of your receipt of this Writ with the Court and serve a copy of the Answer upon the debtor and counsel for the United States.** You are further required to withhold and retain any property or funds in which the debtor has a substantial non-exempt interest.

1. **AMOUNT GARNISHED.** The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment or Affidavit served upon you. The amount garnished consists of all of these.
2. **AMOUNT WITHHELD.** Under federal law, 15 U.S.C. §1673(a), you should withhold each pay period:
  - (a) 25% of disposable earnings each week, or
  - (b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage, whichever is less.
3. **"DISPOSABLE EARNINGS"** means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. §1672(b); First National Bank v. Hasty, 415 F.Supp. 170 (E.D. Mich, 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).

4. DISBURSEMENT OF WITHHELD AMOUNTS. Each pay period, amounts withheld should be remitted to the Clerk, U.S. District Court.
5. Once the final Order of Garnishment is received by you, mail your check payable to Clerk, U.S. District Court:  

Clerk, U.S. District Court  
167 N. Main Street, Room 242  
Memphis, TN 38103
6. No check should be mailed until the Final Order of Garnishment is received. Please ensure that you withhold the funds in accordance with this Writ, but do not remit those monies until you receive the final Order of Garnishment.

Indicate on each remittance your employee's name and the Court Number 2:07CR20219 so that proper credit will be given.

\*\*\*\*\*

7. If you fail to answer this writ or to withhold property in accordance with the writ, the court may make you liable for that amount of the debtor's property, which you failed to withhold. Additionally, you may be held liable for a reasonable attorney fee if the United States files a petition to the court requesting an explanation for your failure to comply with this writ.

If you have any additional questions, please contact Tracy Kiper at (901) 969-2939, or write to: U.S. Attorney's Office, Financial Litigation Unit, 167 N. Main Street, Suite 800, Memphis, TN 38103.

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**HERSHEY COMPANY,**

**Garnishee,**

**JAMES ARTHUR MAROTTI,**

**Defendant.**

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**Civil Docket No.:**

**(Reference Case No.: 2:15CR20075)**

22-2869-SHL

**ANSWER OF THE GARNISHEE**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.:

\_\_\_\_\_, being duly sworn deposes and says:  
**A. GARNISHEE IS: (check one)**

☐ **INDIVIDUAL:** That I am the Garnishee herein doing business in the name of

\_\_\_\_\_  
(Company Name)

☐ **PARTNERSHIP:** That I am \_\_\_\_\_ of a partnership of which  
(Position Title)  
Garnishee is a partner.

☐ **CORPORATION:** That I am the \_\_\_\_\_ of  
(Position Title)  
Garnishee, a corporation, organized under the laws of the State of \_\_\_\_\_.

**B.** On \_\_\_\_\_, Garnishee was served with the Writ of Garnishment for the pay period in  
effect on the date of service: \_\_\_\_\_.  
(Pay Period Date)

(1) Defendant is employed: \_\_\_\_ Yes \_\_\_\_ No: Date terminated: \_\_\_\_\_

(2) Pay period is: \_\_\_\_ weekly; \_\_\_\_ bi-weekly; \_\_\_\_ semi-monthly; \_\_\_\_ monthly

Enter date present pay period began: \_\_\_\_\_

Enter the date above pay period ends: \_\_\_\_\_

**(Present means the pay period in which this order and notice of garnishment were served)**

(3) Enter amount of net wages. Calculate below:

(a) Gross Pay \$ \_\_\_\_\_  
 (b) Federal Income Tax \$ \_\_\_\_\_  
 (c) F.I.C.A. Income Tax \$ \_\_\_\_\_  
 (d) State Income Tax \$ \_\_\_\_\_  
 (e) City/Local Income Tax \$ \_\_\_\_\_  
 Total of tax withholdings \$ \_\_\_\_\_

**Disposable Earnings** \$ \_\_\_\_\_  
**{Line (a) less total of Lines (b,c,d,e)}**

(f) 25% of disposable earnings \$ \_\_\_\_\_

(4) Have there been previous garnishments which are presently in effect, including, but not limited to, child support and alimony?

\_\_\_\_ Yes \_\_\_\_ No If yes, describe below.

\_\_\_\_\_  
 \_\_\_\_\_

**C.** The Garnishee has custody, control or possession of the following property (other than disposable earnings indicated above) in which Debtor maintains an interest described below:

<u>Description of Property</u>	<u>Approx. Value</u>	<u>Description of Debtor's Interest in Property</u>
1. _____	\$ _____	_____
2. _____	\$ _____	_____
3. _____	\$ _____	_____
4. _____	\$ _____	_____

**D.** Garnishee anticipates owing to the judgment-debtor in the future, the following amounts from wages or other compensation:

<u>Amount</u>	<u>Estimate date or Period Due</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

E. Check the applicable line below only if you deny that you hold wages or property subject to this order of garnishment.

\_\_\_ The Garnishee makes the following claim of exemption on the part of Defendant:

\_\_\_\_\_

\_\_\_ Has the following objections, defenses, or set offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_

\_\_\_\_\_

\_\_\_ Garnishee is in no manner and upon no account indebted or under liability to the defendant, JAMES ARTHUR MAROTTI, and the Garnishee does not have in his/her possession or control any wages or property belonging to the defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

F. The Garnishee mailed a copy of this answer by first-class mail to (1) the Defendant named in the documents I received and (2) the attorney for the United States, Reagan Fondren, Assistant U.S. Attorney, 167 N. Main Street, Suite 800, Memphis, TN 38103.

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2022.

\_\_\_\_\_

Notary Public

Address of Garnishee: \_\_\_\_\_

Phone Number w/Area Code (\_\_\_\_\_) \_\_\_\_\_



**ATTACHMENT TO ANSWER OF GARNISHEE**

\_\_\_\_ The **ORIGINAL** Answer must be sent by mail **within ten (10) days of service upon you** to:

**Clerk, U.S. District Court, TNW**  
167 N. Main Street, Room 242  
Memphis, TN 38103

**and**

\_\_\_\_ **A COPY** of this Answer to:

**U.S. Attorney's Office, TNW**  
Financial Litigation Unit  
167 N. Main Street, Suite 800  
Memphis, TN 38103

**and**

\_\_\_\_ **A COPY** of this Answer to the Defendant named in the documents received at the address referenced herein above.

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**HERSHEY COMPANY,**

**Garnishee,**

**JAMES ARTHUR MAROTTI,**

**Defendant.**

Civil Docket No.: 22-2869-S+L  
(Reference Case No.: 2:15CR20075)

### **INSTRUCTIONS TO DEBTOR FOR OBJECTING TO THE ANSWER OF GARNISHEE**

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a Judgment entered against you on September 2, 1997. The Garnishment was served on Hershey Company, garnishee, and it is believed that the garnishee may have property of yours in its custody, possession, or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written Objection to explain why you object to the completed Answer of the Garnishee served upon you, and request a hearing, a Court Order will be entered attaching the funds or property and the funds or property will be applied against the Judgment owed the United States of America.

Pursuant to Title 28 United States Code, §3205, the Objection must state your reasons for the objection, and you bear the burden of proving the stated grounds.

Any objection that you file to contest the Answer of the Garnishee must be filed with:

Clerk, U.S. District Court - TNW  
167 N. Main Street, Room 242  
Memphis, TN 38103

A copy of the Objection or other pleadings must also be served on:

- (1) United States Attorney - TNW  
Financial Litigation Unit  
167 N. Main Street, Suite 800  
Memphis, TN 38103 and
- (2) Hershey Company  
Attention: Payroll  
975 Kansas Street  
Memphis, TN 38106

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING  
OF THIS NOTICE.

Respectfully submitted,

KEVIN G. RITZ  
UNITED STATES ATTORNEY  
WESTERN DISTRICT OF TENNESSEE

By: *s/Stuart J. Canale*

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Stuart J. Canale (BPR#TN 012590)  
Assistant United States Attorney  
167 N. Main Street, 8th Floor  
Memphis, TN 38103  
901-544-4231 office  
901-544-4230 fax

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERSHEY COMPANY,

Garnishee,

JAMES ARTHUR MAROTTI,

Defendant.

Civil Docket No.: 22-2869-SHL  
(Reference Case No.: 2:15CR20075)

**CERTIFICATE OF SERVICE OF DOCUMENTS**

The United States of America, a judgment creditor herein, certifies that on the date shown below the following documents were mailed to the defendant at the last known address:

1. Copy of the Application for Writ of Garnishment;
2. Copy of the Writ of Garnishment;
3. Clerk's Notice of Garnishment; and
4. Instructions to Defendant regarding objections to the garnishee's answer.

The United States of America further certifies that on the date shown below the following documents were sent to the garnishee:

1. Writ of Garnishment;
2. Instructions to file answer; and
3. Form for "Answer of Garnishee".

DATE: December 27, 2022

Respectfully submitted,

KEVIN G. RITZ  
UNITED STATES ATTORNEY  
WESTERN DISTRICT OF TENNESSEE

By: s/Stuart J. Canale  
Stuart J. Canale (BPR#TN 012590)  
Assistant United States Attorney  
167 N. Main Street, 8th Floor  
Memphis, TN 38103  
901-544-4231 office  
901-544-4230 fax